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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,384	02/05/2004	Vern Paproski	85386-102 RWD	3323
23529	7590	08/16/2004	EXAMINER	
ADE & COMPANY 1700-360 MAIN STREET WINNIPEG, MB R3C3Z3 CANADA			COLETTA, LORI L	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/771,384

Applicant(s)

PAPROSKI, VERN

Examiner

Lori L. Coletta

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3612

*Me*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,8,9,12 and 14 is/are rejected.
- 7) ☒ Claim(s) 2-7, 10, 11, 13 and 15-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed February 5, 2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because

Patent number 5,581,074 needs to be changed to --5,681,074--.

Patent number 6,448,327 needs to be changed to --5,488,329--.

Applicant is required to file a new information disclosure statement correcting the Patent numbers.

It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e).

See MPEP § 609 ¶ C(1).

### ***Specification***

2. The abstract of the disclosure is objected to because the language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc. Correction is required.

See MPEP § 608.01(b).

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3. The disclosure is objected to because of the following informalities:

“two sections..” (page 7, line 6) needs to be changed to --two sections.--

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Turnbull 4,943,108.

Regarding claim 1, Turnbull ‘108 discloses a cover (12) having a deck (13) with longitudinal sides (15 and 16) extending between front and rear ends of the deck, the cover comprising an outer shell including a top (21A and 21B), two side walls (24A and 24B), a front wall (40A and 40b) and a rear wall (area around 47), the outer shell being longitudinally divided into two sections, each section including one side wall and a portion of each of the top, the front wall and the rear wall; and hinges (30) for coupling the side walls to respective longitudinal sides of the deck whereby each section is pivotally transversely to the forward direction in relation to the respective longitudinal sides in Figures 1 and 3. The cover of Turnbull ‘108 is capable of being used on a flatbed trailer supported for rolling movement in a forward direction.

Regarding claim 8, Turnbull ‘018 discloses the cover (12) wherein each section includes a rigid beam (36) along a bottom edge of each section in Figure 4.

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Regarding claim 9, Turnbull '018 discloses the cover (12) wherein the two sections are symmetrical about a vertical plane lying through a longitudinal seam between the two sections in Figure 3.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Turnbull 4,943,108 in view of Wheatley et al. 5,636,893.

Regarding claim 12, Turnbull '108 discloses the cover but does not show the outer shell is formed of layers of fiberglass material and a core spanning therebetween.

Wheatley et al. '893 teaches a panel (30) having a board (41) with a rigid core (42) made of polystyrene foam or similar foam resin and aluminum or fiberglass skins (44 and 46) forming the top and bottom surfaces (38 and 40) in Figure 3.

Regarding claim 12, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the outer shell of the cover of Turnbull '108 formed of layers of fiberglass material and a core spanning therebetween, as taught by Wheatley et al. '893, in order to prevent scratching, weathering or warping.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Turnbull 4,943,108 in view of Kass et al. 6,199,909.

Regarding claim 14, Turnbull '108 discloses the cover but does not show wherein each section is integrally moulded of plastic material.

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Kass et al. '909 teach a cover (18) molded of plastic.

Regarding claim 13, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the cover of Turnbull '108 integrally moulded of plastic material, as taught by Kass et al. '909, in order to provide a rigid cover.

***Allowable Subject Matter***

9. Claims 2-7, 10, 11, 13 and 15-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references show several other covers similar to that of the current invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is (703) 306-4614. The examiner can normally be reached on Monday-Friday 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lori L. Coletta  
Primary Examiner  
Art Unit 3612

llc  
August 10, 2004